

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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BRIDGESTONE MANAGEMENT LLC,

Plaintiff,

Case No. 21-cv-379-pp

v.

COMPANION LIFE INSURANCE COMPANY,  
NORTHWEST ILLINOIS HEALTH ALLIANCE, INC.,  
and SPECTRUM UNDERWRITING MANAGERS,

Defendants.

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**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED  
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANTS' MOTION TO  
DISMISS (DKT. NO. 19)**

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On May 17, 2021, defendants Companion Life Insurance and Spectrum Underwriting Managers filed a motion to dismiss Counts Two and Three of the complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 19. The defendants argue that the plaintiff has failed to allege facts to support its claims of breach of fiduciary duty and professional negligence. Dkt. No. 20 at 4-10.

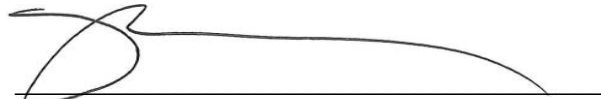
Under Civil Local Rule 7(b) (E.D. Wis.), if the plaintiff wishes to oppose the motion it must do so within twenty-one days—that is by June 7, 2021. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that it has another option—it may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015)

(explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by June 7, 2021 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 18th day of May, 2021.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**